THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.6439 OF 2006

Dated:13.04.2006

BETWEEN

D.Ramanamma

….PETITIONER

AND

The District Collector, Ranga Reddy District at Hyderabad and others.

….RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.6439 OF 2006

ORDER:

Petitioner was allegedly granted house site patta in respect of plot No.246 by proceedings dated 26.07.2003. She therefore approached the Gram Panchat, obtained building permission and commenced construction. She alleges that the Mandal Revenue Inspector, acting on instructions of the third respondent, came to the plot and orally directed to stop construction and informed that she is not entitled to construct on the plot. Therefore, she filed the present writ petition alleging that there is a genuine apprehension that she may be dispossessed. She seeks a writ of Mandamus declaring the action of the respondents in interfering with the possession as illegal and arbitrary.

At the stage of admission itself, the Mandal Revenue Officer, Qutbullapur Mandal, Ranga Reddy District filed a counter affidavit. It is stated that the Government took over possession of the land admeasuring Acs.5.15 guntas, Acs.6.07 guntas and Acs.3.33 guntas situated in Survey Nos.149/A, 152/A and 153/A respectively situated at Dommarapochampally village of Qutbullapur Mandal and made a lay out for 500 plots. The petitioner was allotted house plot, but the possession was not handed over. Therefore, she was prevented from construction. It is further stated that as per the Government Memo No.2700/HB-II (1) 2004-1, dated 17.11.2004, the Government decided to ban assignment of individual house sites and took a policy decision to go in for construction of G+3 multistoried flats to be allotted to landless poor persons after construction of houses under 'Rajiv Gruha Kalpa' scheme. The counter further states that it is open to the petitioner to make an application either under 'Rajiv Gruha Kalpa' scheme or under 'Urban Poor Housing Scheme'.

After hearing the learned counsel for the petitioner and the learned Assistant Government for Revenue (General), two things become clear. Though plot No.246 was allotted to the petitioner in July, 2003, possession was not handed over. This was presumably because of change in the policy of allotment of house sites. Secondly, as per the Government policy communicated vide Memo, dated 17.11.2004, at present, individual house sites cannot be allotted and only constructed houses can be allotted to the needy homeless poor. In view of the same,

the petitioner's grievance is misplaced. It shall however be open to the petitioner to approach the Mandal Revenue Officer for allotment of house either under 'Rajiv Gruha Kalpa' scheme or 'Urban Poor Housing Scheme'. As and when such an application is made, the same shall be considered having regard to the eligibility of the petitioner for such allotment.

The writ petition is accordingly disposed of with the above observations. No costs.

_____

(V.V.S.RAO,J)

13.04.2006

VGB